

February 17, 2017

Chairman Laurie A. Thom
Yerington Paiute Tribe
171 Campbell Lane
Yerington, NV 89447

RE: Anaconda Mine Site, Lyon County, NV
EPA National Priorities List (NPL) Status

Dear Chairman Thom:

Thank you for your December 1, 2016, letter to Governor Sandoval regarding the Anaconda Mine Site (Site). The Governor's office has forwarded your letter to the Nevada Division of Environmental Protection (NDEP) for response. NDEP has reviewed your letter and prepared this correspondence in consultation with and after receiving input from the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM).

NDEP acknowledges the Yerington Paiute Tribe's (Tribe) longstanding concerns and involvement with investigation and cleanup activities at the Site. We share your commitment to addressing the Site and protecting the adjacent community. In coordination with EPA and BLM, NDEP has advanced the remedy selection process for the former Arimetco portion of the Site, designated as Operable Unit 8 (OU-8). In December 2016, NDEP presented the OU-8 Proposed Plan to the community and to the Walker River Paiute Tribe Chairman. Also in December, the EPA and BLM consulted directly with the Tribe on the Proposed Plan. The agencies are on track to complete a Record of Decision selecting a final remedy for OU-8 this summer.

While the Site is on a track to be listed on the NPL, other options for addressing the Site and to provide funding for OU-8 are also under evaluation. These options include informal or formal deferral under CERCLA Section 105(h) (42 U.S.C. § 9605(h)), as explained in the attachment that accompanied EPA's December 22, 2015, letter to Governor Sandoval seeking his concurrence with NPL listing. After further review, and in consideration of the request in Governor Sandoval's March 29, 2016 conditional concurrence letter to preserve the option for a State-led public-private funding solution, EPA is proceeding with an informal deferral period until August of this year when a final request from NDEP on deferral or NPL listing is anticipated.

NDEP will engage with the Tribe, as well as other stakeholders, as part of a consultation process for NDEP's decision to recommend deferral or final listing of the Site on the NPL. During the consultation, NDEP will review how we propose to coordinate with the Tribe under a deferral scenario and work to address any concerns or questions the Tribe may have. NDEP and the Yerington Paiute Tribe's interactions benefit from the October 2005 *Consultation Protocol Between the Yerington Paiute Tribe And the State of Nevada* approved by the Tribal Council as part of Resolution No. RY 05-26. That protocol defines consultation between the Tribe and NDEP as a face-to-face meeting between the NDEP Administrator or his designee and the Tribal

Chairman or his or her designee. We look forward to expanding and building upon our current relationship with the Yerington Paiute Tribe and facilitating transparency and clear and open dialogue in our evaluation of the deferral path. It is our understanding that EPA and BLM are also committed to consulting with the Yerington Paiute Tribe and Walker River Tribe as part of this evaluation process.

NDEP will be in contact with your staff to schedule a series of meetings in the near future. In the meantime, please feel free to contact me at 775-687-9373 if you have any questions or would like to discuss any of these matters further. I appreciate and value the Tribal Council and your participation and input on this important matter.

Sincerely,

Greg Lovato
Administrator

cc: Amber Torres, Chairman, Walker River Paiute Tribe
William Campbell, Tribal-State Environmental Liaison, Inter-Tribal Council of Nevada
Brad Crowell, Director, Department of Conservation and Natural Resources
Jeff Page, County Manager, Lyon County
Dan Newell, City Manager, City of Yerington
Alexis Strauss, Acting Regional Administrator, US EPA Region 9
Enrique Manzanilla, Director, Superfund Division, US EPA Region 9
John Ruhs, Director, Bureau of Land Management, Nevada State Office
Brian Amme, Deputy Director Minerals, Bureau of Land Management, Nevada State Office